

# STATUTORY INSTRUMENTS

1989No. 277

## BROADS AUTHORITY

The Norfolk and Suffolk Broads (Staff and Property, etc.)

Order 1989

*28thFebruary1989*

*3rdMarch1989*

*24thMarch1989*

*for all other purposes*

*1stApril1989*

The Secretary of State, in exercise of his powers under sections 18, 19(3) and 23(1) of the Norfolk and Suffolk Broads Act 1988 ( **a** ), hereby makes the following Order:

### **Citation, commencement and interpretation**

**1.**-(1) This Order may be cited as the Norfolk and Suffolk Broads (Staff and Property, etc.) Order 1989 and, subject to paragraph (2), shall come into force on 1st April 1989.

(2) This paragraph and Article 6(3) shall come into force on 24th March 1989.

(3) In this Order "the Act" means the Norfolk and Suffolk Broads Act 1988.

### **Transfer of Staff**

**2.** Any employee of the Commissioners within the description set out in Schedule 1 is a person designated for the purposes of section 18 of the Act.

### **Transfer of Property**

**3.**-(1) The land described in Part I of Schedule 2, together with all rights and liabilities acquired or incurred solely in connection with and all records relating exclusively to that land, shall vest in the Broads Authority.

(2) The property of the Commissioners which is within a category specified in column 1 of Part II of Schedule 2 and which is described in column 2 of that Part of that Schedule, together with all rights and liabilities acquired or incurred, and equipment used solely in connection with and all records relating

solely to that property, shall vest in the Broads Authority.

(3) The property, rights and liabilities of the Commissioners acquired, held or incurred solely for the purpose of managing, or regulating the use of, the navigation area, including such amount of the monies vested in the Commissioners as equal the amounts shown as the balances on their accounts attributable to functions in relation to the navigation area immediately before 1st April 1989 but excluding-

(a) land, and property, rights and liabilities held in connection with that land, not described in Part I of Schedule 2, and

(b) property in the categories specified in column 1 of Part II of Schedule 2, shall vest in the Broads Authority.

## Disputes

4. Any dispute between the Authority and the Commissioners as to the effect of article 3 in relation to any particular property, rights and liabilities shall be determined by an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950 ( **b** ) shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

## Amendments to local legislation

5. The local legislation specified in Schedule 3 is revoked and amended as provided in that Schedule.

## Byelaws

6.-(1) All byelaws made by the Commissioners, and all byelaws made (or having effect as if made) by the Waveney District Council, for the purposes of managing or regulating navigation in any part of the navigation area, shall continue to have effect in relation to that part of the navigation area until 31st March 1992, and may be amended or revoked by byelaws made by the Broads Authority under section 10 of the Act.

(2) Any reference in the byelaws continued by this article to the authority or body by whom the byelaws were made, or to an officer or the offices of such authority or body, shall be construed as a reference to the Broads Authority, the navigation officer appointed by the Broads Authority under section 10(7) of the Act for the area in question, or the offices of the Broads Authority, as the case may require.

(3) Byelaw 10 of the Great Yarmouth Port and Haven River Byelaws 1946 shall have effect for the purpose of certificates issued with respect to the year beginning 25th March 1988 with the substitution for the words "twenty-fourth day of March" of the words "31st March" .

	<i>Nicholas Ridley</i>
28th February 1989	Secretary of State for the Environment

## SCHEDULE 1

## Article 2

employees designated for transfer

A person who immediately before 1st April 1989 occupies a post specified in column 1 below which on 31st December 1988 was occupied by the individual named in relation to that post in column 2

\*\*\* Please refer to the printed edition of the SI for the \*\*\* \*\*\* tabular material which is not included in the database. \*\*\*

## SCHEDULE 2

## Article 3

## TRANSFER OF PROPERTY

## PART I

## LAND VESTING IN THE AUTHORITY

1. Land forming riverbank and adjoining marshland near Acle Bridge in the parish of Acle conveyed by Sir William Oscar Carter, Raymond Charles Frostick and Mary Muriel Gay on 23 April 1981.
2. Belaugh Staithe adjoining River Bure in the parish of Belaugh leased by Edward Willoughby Trafford, Sir Edmund Castell Bacon KBE, Arthur James Robert Collins CVO and William John Herbert Forbes DSO (The Trafford Trustees) on 26 May 1971.
3. Land and boathouse near Wood End, Stalham in the parish of Catfield conveyed by Sidney John Mowle and Charles Boughton on 29 March 1955.
4. Dilham Staithe in the parish of Dilham leased by East Anglian Waterways Association Limited on 1 June 1972.
5. Land near the "Locks" Inn, adjoining the River Waveney in the parish of Geldeston conveyed by Marjorie Ashfield on 11 July 1978 and Robert Cyril Butcher on 24 July 1973.
6. 2 pieces of land at Geldeston and Shipmeadow in the parishes of Geldeston and Shipmeadow leased by Anglian Water Authority on 20 May 1974.
7. Land forming a mooring strip on the east bank of River Waveney in the parish of Herringfleet conveyed by John Henry and Son Limited on 31 July 1973.
8. Landing stage adjoining Herringfleet Marshes, River Waveney in the parish of Herringfleet leased by Right Hon. Lord Saville, William Francis, Third Baron Somerleyton on 27 June 1978.

- 9.** Land at Deep Dyke and Deep Go Dyke in the parish of Hickling leased by Norfolk Naturalists Trust on 3 July 1979.
- 10.** Land forming a mooring basin fronting River Bure in the parish of Hoveton conveyed by Norwich Brewery Limited on 4 November 1981.
- 11.** Land used as moorings in the parish of Hoveton leased by Edward William Trafford, Arthur James Robert Collins CVO, Hugh Bernard Edward Van Cutsem and Jonathan Sidney Peel (The Trafford Trustees) on 7 March 1975.
- 12.** Land used as moorings on River Ant in the parish of Irstead conveyed by Ann Knight on 26 May 1981
- 13.** Land forming an island in Womack Water in the parish of Ludham conveyed by Irene Josephine MacDonald on 12 July 1976.
- 14.** 0.106 acres of land near Womack Water in the parish of Ludham conveyed by Norfolk County Council on 18 December 1979.
- 15.** Land forming a turning basin at Lime Kiln Dyke in the parish of Neatishead leased by David Culling Croghan and Christa Matilde Croghan on 24 March 1987.
- 16.** Land on west bank of River Yare in the parish of Postwick forming Land Registry title no. NK40672.
- 17.** Land used as causal moorings at Malthouse Broad in the parish of Ranworth leased by Ivor Vernon Barfoot Mills on 24 June 1974.
- 18.** Land used as moorings at Rockland Staithe in the parish of Rockland St Mary leased by The Pools Trustees of the Parish of Rockland St Mary on 18 August 1972 and by the Official Custodian for Charity and The Pools Trustees of the Parish of Rockland St Mary on 30 April 1985.
- 19.** Landing stage at Somerleyton Staithe adjoining River Waveney in the parish of Somerleyton leased by Right Hon. Lord Saville, William Francis, Third Baron Somerleyton on 18 August 1978.
- 20.** Land near Sutton Staithe in the parish of Sutton conveyed by Jennifer Mary Dickinson on 24 February 1977.
- 21.** 2 pieces of land adjoining Sutton Staithe in the parish of Sutton conveyed by Norman Halfhead on 6 April 1977.
- 22.** Land and boatshed in the parish of Thorpe leased by May Gurney Holdings Limited on 1 March 1973.
- 23.** Land near Whitlingham Dyke in the parish of Whitlingham conveyed by Norwich Union Life Insurance Society on 17 June 1959.
- 24.** Cockshoot Dyke adjoining River Bure in the parish of Woodbastwick leased by Norfolk Naturalists

Trust on 28 January 1974.

**25.** Land on south bank of River Waveney in the parish of Worlingham conveyed by Arthur Horsley Hadingham on 7 January 1975.

**26.** Land adjoining River Bure in the parish of Wroxham conveyed by Victor Robert Marriott and Marion Marriott on 8 April 1975.

**27.** Land, known as Carr Alder, at Wroxham Island between Wroxham Broad and River Bure in the parish of Wroxham leased by Edward William Trafford, Arthur James Robert Collins CVO, Hugh Bernard Edward Van Cutsem and Jonathan Sidney Peel (The Trafford Trustees) on 9 May 1980.

**28.** Land at Bridge Broad in the parish of Wroxham leased by Edward William Trafford, Arthur James Robert Collins CVO, Hugh Bernard Edward Van Cutsem and Jonathan Sidney Peel (The Trafford Trustees) on 15 November 1979.

## PART II

### SPECIFIED PROPERTY OTHER THAN LAND

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## SCHEDULE 3

### Article 5

#### AMENDMENTS TO LOCAL LEGISLATION

**1.** The Great Eastern Railway Act 1903 ( **a** ) is amended by the substitution in section 17(4)(E) and (11) to (13) for the words "the commissioners" , wherever they occur, of the words "the Broads Authority" .

**2.** The British Transport Commission Act 1958 ( **b** ) is amended:

(a) by the substitution in section 17(4) for the words "the Port and Haven Commissioners and to the Norwich (River Yare) Commissioners" of the words "the Broads Authority" ;

(b) by the substitution in section 17(9) for the words "the Port and Haven Commissioners and the Norwich (River Yare) Commissioners and the Bure and Waveney Commis-sioners or any of them" of the words "the Broads Authority" ; and

(c) by the substitution in section 17(11) for the words "the Port and Haven Commissioners and the Norwich (River Yare) Commissioners and the Bure and Waveney Commissioners" of the words "the Broads Authority" .

**3.** The Lowestoft (Oulton Broad) Order 1922 ( **c** ) is revoked.

**4.** The Oulton Broad Revision Order 1975 ( **d** ) is amended-

- (a) by the substitution in article 13 for the words "the Council" , wherever they occur, of the words "the Broads Authority" ; and
- (b) by the revocation of articles 1(2) to 12 and 14 to 16.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order identifies staff who are to be transferred to the employment of the Broads Authority and makes provision for the transfer of property from the Great Yarmouth Port and Haven Commissioners to that Authority on 1st April 1989. It also makes amendments to local legislation which are consequential to the Norfolk and Suffolk Broads Act 1988 (c.4) and provides for the continuation of byelaws made in respect of the navigation area.

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**[DET 8545]**

**Enabling power:** Norfolk and Suffolk Broads Act 1988, ss.18, 19 (3), 23 (1).

**Effect:** 1903 c. xliii; 1958 c. xliv; S.I. 1975/2206 amended.

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